

A bill for an act

relating to human rights; providing for jury trials; modifying procedures for removal of cases to district court; amending Minnesota Statutes 2008, section 363A.33, subdivisions 1, 6.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 363A.33, subdivision 1, is amended to read:

Subdivision 1. **Court actions, suits by private parties, intervention.** The commissioner or a person may bring a civil action seeking redress for an unfair discriminatory practice directly to district court. In addition, a person may bring a civil action:

(1) within ~~45~~ 90 days after receipt of notice that the commissioner has dismissed a charge because it is frivolous or without merit, because the charging party has failed to provide required information, because the commissioner has determined that further use of department resources is not warranted, or because the commissioner has determined that there is no probable cause to credit the allegations contained in a charge filed with the commissioner;

(2) within ~~45~~ 90 days after receipt of notice that the commissioner has reaffirmed a determination of no probable cause if the charging party requested a reconsideration of the no probable cause determination, or has decided not to reopen a dismissed case that the charging party has asked to be reopened; or

(3) after ~~45~~ 90 days from the filing of a charge pursuant to section 363A.28, subdivision 1, if a hearing has not been held pursuant to section 363A.29 or if the commissioner has not entered into a conciliation agreement to which the charging party is

a signator. The charging party shall notify the commissioner of an intention to bring a civil action, which shall be commenced within 90 days of ~~giving the notice~~ charging party's receipt of a "right to sue" letter from the commissioner. Failure to notify the commissioner of an intention to bring a civil action is not a basis to dismiss a charging party's complaint.

For purposes of clauses (1) and (2), receipt of notice is presumed to be five days from the date of service by mail of the written notice.

Sec. 2. Minnesota Statutes 2008, section 363A.33, subdivision 6, is amended to read:

Subd. 6. **District court jurisdiction.** Any action brought pursuant to this section shall be filed in the district court of the county wherein the unlawful discriminatory practice is alleged to have been committed or where the respondent resides or has a principal place of business.

Any action brought pursuant to this chapter shall be heard and determined by ~~a judge sitting without a jury, unless the petitioner elects to have the action heard and~~ determined by the court.

If the jury or court finds that the respondent has engaged in an unfair discriminatory practice, ~~it the court~~ shall issue an order directing appropriate relief as provided by section 363A.29, subdivisions 3 to 6. The jury or court shall determine the amount of compensatory and punitive damages to be paid to the aggrieved party.

When the court issues an order providing for payment to the state of a civil penalty pursuant to section 363A.29, subdivisions 3 to 6, it shall serve a copy of that order upon the attorney general at the same time as it makes service upon the parties.